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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

7 Diana Medina, ) No. CV 13-573-PHX-SMM (BSB)  
8 Plaintiff, )  
9 vs. )  
10 Brithe & Associates, PLC, )  
11 Defendant. )  
12 \_\_\_\_\_ )  
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**MEMORANDUM OF DECISION  
AND ORDER**

14 Pending before the Court is Plaintiff's Complaint alleging a violation of the Fair Debt  
15 Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 et seq. (Doc. 1.) This matter was  
16 assigned and litigated before Magistrate Judge Bridget S. Bade. (Doc. 3.) On September 19,  
17 2013, Magistrate Judge Bade filed a Report and Recommendation with this Court. (Doc. 13.)  
18 To date, no objections have been filed.

19 **STANDARD OF REVIEW**

20 When reviewing a Magistrate Judge's Report and Recommendation, this Court must  
21 "make a de novo determination of those portions of the report . . . to which objection is  
22 made," and "may accept, reject, or modify, in whole or in part, the findings or  
23 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C); see also Baxter  
24 v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991) (citing Britt v. Simi Valley Unified Sch.  
25 Dist., 708 F.2d 452, 454 (9th Cir. 1983)). Failure to object to a Magistrate Judge's  
26 recommendation relieves the Court of conducting de novo review of the Magistrate Judge's  
27 factual findings; the Court then may decide the dispositive motion on the applicable law.  
28 Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979) (citing Campbell v. United States

<sup>10</sup> See *Dist. Court*, 501 F.2d 196 (9th Cir. 1974)).

By failing to object to a Report and Recommendation, a party waives its right to challenge the Magistrate Judge’s factual findings, but not necessarily the Magistrate Judge’s legal conclusions. Baxter, 923 F.2d at 1394; see also Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998) (failure to object to a Magistrate Judge’s legal conclusion “is a factor to be weighed in considering the propriety of finding waiver of an issue on appeal”); Martinez v. Ylst, 951 F.2d 1153, 1156 (9th Cir. 1991) (citing McCall v. Andrus, 628 F.2d 1185, 1187 (9th Cir. 1980)).

## DISCUSSION

Having reviewed the legal conclusions of the Report and Recommendation of the Magistrate Judge, and no objections having been made by Defendant, the Court hereby incorporates and adopts the Magistrate Judge's Report and Recommendation.

## CONCLUSION

For the reasons set forth,

**IT IS HEREBY ORDERED** approving, incorporating, and adopting the Report and Recommendation of Magistrate Judge Bridget S. Bade. (Doc. 13.)

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Default Judgment against Defendant Brithe & Associates, PLC is **GRANTED**. (Doc. 12.)

**IT IS FURTHER ORDERED** that the Clerk shall enter Judgment in favor of Plaintiff Diana Medina and against Defendant Brithe & Associates, PLC, in the amount of \$4,362 (\$1,000 plus \$2,862 for attorney's fees plus \$500 for costs and non-taxable expenses). The Judgment shall earn interest at the annual federal rate from the date of entry of the Judgment until paid in full.

DATED this 25th day of November, 2013.

Stephen D. McDonald

Stephen M. McNamee  
Senior United States District Judge

cc: BSB